



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

DMP:JMH  
F. #2016R01753

*271 Cadman Plaza East  
Brooklyn, New York 11201*

May 11, 2020

By ECF

The Honorable Frederic Block  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Edward Copeland  
Docket No. 03-CR-1120 (FB)

Dear Judge Block:

The government respectfully submits this letter in further response to defendant Edward Copeland's motion for a modification of an imposed term of imprisonment, pursuant to Title 18, United States Code, Section 3582(c)(1)(A), filed on April 28, 2020 (the "Motion," ECF No. 305). On May 8, 2020, the Court heard oral argument on the Motion and heard testimony from Dr. Melvin Kramer, a witness called by the Court to address the defendant's health risk factors and their relationship to COVID-19. See generally Tr. (May 8, 2020) (Dr. Kramer's testimony citing the defendant's age, diagnosis of latent tuberculosis, atherosclerosis disease, high blood pressure, and hypercholesterolemia).

The government thanks the Court for granting a brief continuance to consider this testimony and, having reviewed Dr. Kramer's credentials and the transcript, the government has no questions for Dr. Kramer.

The government does not dispute that the defendant's medical records suggest some risk factors that appear to be correlated to COVID-19, and the government did not argue otherwise in its written submission. See ECF No. 306 (May 1, 2020). The government continues to believe, as expressed in that earlier submission, that the defendant's motion should be denied for the following reasons: The defendant has failed to exhaust his administrative remedies by pursuing relief within the Bureau of Prisons ("the BOP"). The defendant has also failed to demonstrate that the BOP's mitigation efforts against COVID-19 are ineffective.<sup>1</sup>

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<sup>1</sup> As of this writing, the BOP's website reflects that FCI Fort Dix has 31 COVID-19 cases amongst inmates and 1 case amongst staff, a modest improvement since the date of the government's written submission. 27 inmates and 4 staff have recovered. There have been no

Finally, the government respectfully submits that the defendant's violent criminal history and the violent nature of the conviction at issue in the judgment showed that the defendant would be a danger to the community if released. Cf. Op. and Order, United States v. Haynes, No. 93-CR-1043 (RJD), ECF No. 114 (Apr. 22, 2020) (highlighting defendant's lack of prior criminal history as a "first-time offender," and comparatively lesser sentence given to a more-culpable participant, among other reasons justifying Court's amendment of a sentence to time-served). The government rests on the papers and understands that the Court indicated that, notwithstanding these arguments, the Court is inclined to grant the defendant's petition.

The government thanks the Court for its consideration of this letter.

Respectfully submitted,

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United States Attorney

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cc: Clerk of Court (FB) (by ECF and by Email)  
Daniel Habib, Esq. (by ECF and by Email)

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fatalities reported related to COVID-19 at Fort Dix. See [bop.gov/coronavirus](https://bop.gov/coronavirus) [last accessed May 11, 2020 at 1:35 p.m.].